

### REMARKS

This Amendment is made in response to the Final Office Action dated December 2, 2004 and the Advisory Action of March 16, 2005. This Amendment is being filed concurrently with a Request for Continued Examination (RCE). Claims 1-9 and 13-22 were previously pending in this application. By this Amendment, claims 1-22 are canceled without prejudice. New claims 23-44 are being presented for consideration. Some claims incorporate certain features of the previously prosecuted claims and others are directed to other aspect of the invention disclosed in the specification. Favorable reconsideration is requested.

Many of the original claims were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,152,946 to Broome et al. (the "Broome patent"). In the previous Office Actions, the Examiner identified a portion of the self-expanding frame 24 as the directional member. Claims 23-30 now recite a structure including a directional member that does not possess self-expanding characteristics. In this particular aspect of Applicants' invention, the filtering portion is opened passively by blood flow, not by the bias of an additional self-expanding structure. This particular feature is simply not shown in the Broome patent. Applicants also note that the Broome patent fails to disclose additional components recited in some of the dependent claims, namely, a plurality of restraining wires attached to the directional member and extending along the length of an elongate tubing. In the previous office actions, the Examiner never indicated where such restraining wires can be found in the Broome patent. Moreover, some of the dependent claims now define a structure including an elongate tubing which acts as a guide wire to

allow an interventional device to be advanced over it into position within the body vessel.

The filter portion of the device can be stored in a lumen extending through the elongate tubing. The Broome patent does not show such a structure. Rather, interventional devices are advanced over a standard guide wire as disclosed in the Broome patent and must include a separate restraining sheath that extends over the guide wire and filter to maintain the filter in a collapsed position..

Other new claims, namely claims 37-44, are directed to other aspects of the invention disclosed in the specification. These filtering devices are directed to certain embodiments described in the present application. Applicants believe that the specific structure of these aspects of the present invention is not disclosed in any of the cited art.

In view of the foregoing, it is respectfully urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at (310) 824-5555 to facilitate prosecution of this application, if necessary.

In light of the above amendments and remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

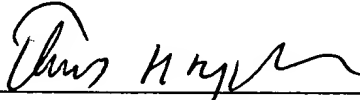
REQUEST FOR TWO-MONTH EXTENSION OF TIME

Applicants respectfully request a two-month extension of time to respond to the Final Office Action dated December 2, 2004 and the Advisory Action dated March 16, 2005, in the above-identified application.

The requisite fee of \$ 450.00 pursuant to 37 C.F.R. §1.136(a) is enclosed herewith. Please charge any additional fee or credit any overpayment to our Deposit Account No. 06-2425. A duplicate copy of this paper is enclosed.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By:   
Thomas H. Majcher  
Registration No. 31,119

THM:kst  
Howard Hughes Center  
6060 Center Drive, Tenth Floor  
Los Angeles, CA 90045  
Telephone: (310) 824-5555  
Facsimile: (310) 824-9696  
Customer No. 24201